

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ESMELING BAHENA, Plaintiff, v. RODRIGUEZ, et al., Defendants.	Case No. 1:20-cv-01685-AWI-SAB (PC)  ORDER DENYING PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL AS MOOT  (ECF No. 45)
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On December 14, 2021, Defendants filed a motion for summary judgment for lack of exhaustion of the administrative remedies. (ECF No. 36.) Plaintiff did not file an opposition.

On February 11, 2022, the undersigned issued Findings and Recommendations recommending that Defendants' motion for summary judgment be granted and the action be dismissed, without prejudice, for failure to exhaust the administrative remedies. (ECF No. 40.) Plaintiff did not file objections.

On March 23, 2022, the Findings and Recommendations were adopted in full and the action was dismissed, without prejudice, for failure to exhaust the administrative remedies. (ECF No. 41.)

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1 On April 14, 2022, Plaintiff filed a motion for appointment of counsel. Inasmuch as this  
2 action has been dismissed, Plaintiff's motion for appointment of counsel is DENIED as MOOT.

3 IT IS SO ORDERED.  
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5 Dated: April 18, 2022

  
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100 UNITED STATES MAGISTRATE JUDGE